



STATE OF DELAWARE

**PUBLIC SERVICE COMMISSION**

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**MEMORANDUM TO FILE**

TO: File

CC: Wendy Fedor, Positive Energy Electricity Supply Company

FROM: Malika Davis, Public Utilities Analyst *MD*

DATE: September 21, 2017

SUBJECT: IN THE MATTER OF THE APPLICATION OF POSITIVE ENERGY ELECTRICITY SUPPLY, LLC  
FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF  
DELAWARE (FILED AUGUST 27, 2013) - PSC DOCKET No. 13-346

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On July 12, 2017, Staff of the Delaware Public Service Commission ("Commission") contacted Positive Energy Electricity Supply, LLC (the "Company") in an attempt to update its regulatory contact information after emails were returned as non-deliverable. Staff was notified that the Company was no longer in business. Staff informed the Company that the Commission had no record of a request to relinquish the Electric Supplier Certificate ("ESC") that had been issued in PSC Docket no. 13-346. On September 12, 2017, Staff again contacted the Company regarding the request to relinquish its ESC. On September 14, 2017, the Commission received a letter from the Company requesting to abandon its ESC. The letter states that the Company was legally dissolved in March 2015 and that it only acted as an agent and never had any customers.

Sections 2.13 and 2.14 of 26 *Del. Admin C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules")<sup>1</sup> provides as follows:

- 2.13 Term of ESC. Electric Supplier Certificates are valid until revoked by the Commission or relinquished by the Electric Supplier after the requisite notice to the Commission and to its Customers.
- 2.14 Transfer or Relinquishing of ESC.
  - 2.14.1 The transfer of an ESC is prohibited without notice and approval of the Commission.
  - 2.14.2 No Electric Supplier shall cease doing business within the State unless it has provided at least sixty (60) days Written Notice to the Commission, the DPA, the affected EDC(s), and its Customers.

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<sup>1</sup> Unless otherwise noted, all references to capitalized terms are set forth in the Supplier Rules (<http://regulations.delaware.gov/AdminCode/title26/3000/3001.pdf>).

2.14.3 The Commission will consider an ESC to be relinquished if the Electric Supplier does not provide the required yearly compliance filing in subsection 12.3 of these Regulations within ninety (90) days of the required date. An Electric Supplier shall be allowed 30 days' notice to cure a late annual filing.

Staff contacted the Company on September 21, 2017 to obtain additional information regarding the Company being dissolved. Staff was subsequently provided with a Certificate of Cancellation of Registration filed with the Delaware Secretary of State on April 20, 2015. Based on the date of the Certificate of Cancellation and because the Company was certified as a Broker in Delaware and ceased doing business over two years ago, the effective date of the relinquishing of the Company's ESC will be September 21, 2017.